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Response to Office Action mailed December 19, 2005  
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## REMARKS

### I. STATUS OF THE CLAIMS

Claims 33-41 are pending in the present application. In the Office Action mailed on December 19, 2005, claims 39-41 were rejected. Applicant thanks Examiner Rinehart for indicating that claims 33-38 are allowed. Please cancel claims 39-41 without prejudice to the subject matter therein.

### II. INTERVIEW SUMMARY

The undersigned would like to thank Examiner Rinehart for his helpful comments and suggestions during the telephonic interview conducted on January 20, 2006.

Pursuant to 37 C.F.R. § 1.133(b), the following description is submitted as a complete written statement of the reasons presented at the interview as warranting favorable action. The following statement is intended to comply with the requirements of MPEP § 713.04 and expressly sets forth: (A) a brief description of the nature of any exhibit shown or any demonstration conducted; (B) identification of the claims discussed; (C) identification of specific prior art discussed; (D) identification of the principal proposed amendments of a substantive nature discussed; (E) the general thrust of the principal arguments; and (F) a general indication of any other pertinent matters; and (G) the general results or outcome of the interview, if appropriate.

- (A) No exhibits were shown or demonstrations conducted.
- (B) The pending claims were discussed generally, and claims 39-41 were discussed in particular.
- (C) The *Ramme* reference was discussed.
- (D) Various proposed amendments to claims 39-41 were discussed.
- (E) Various aspects of the invention were discussed.
- (F) No other pertinent matters were discussed.
- (G) No agreement was reached.

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### **III. CLAIM REJECTIONS UNDER 35 U.S.C. § 112**

In the Office Action, claims 39 and 40 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, claim 39 is rejected as lacking a written description for the recited step, "diverting a third batch of fly ash to a processing unit before processing of the second batch of fly ash is completed." Claim 40 was rejected as lacking a written description for the recited step, "combusting the third batch in a combustion unit before combusting of the second batch is complete."

Claims 39 and 40 are canceled hereby. Thus, it is believed that this rejection is obviated and should be withdrawn. Applicant traverses any rejection previously made to claims 39 and 40 and reserves the right to pursue such claims and the subject matter presented therein.

### **IV. CLAIM REJECTIONS UNDER 35 U.S.C. § 102**

In the Office Action, claims 40 and 41 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,992,336 to *Ramme*.

Claims 40 and 41 are canceled hereby. Thus, it is believed that this rejection is obviated and should be withdrawn. Applicant traverses any rejection previously made to claims 40 and 41 and reserves the right to pursue such claims and the subject matter presented therein.

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### CONCLUSION

In view of the foregoing remarks, Applicant respectfully asserts that the rejection of the claims set forth in the Office Action mailed on December 19, 2005 has been addressed. Applicant further respectfully asserts that all claims (33-38) are in condition for allowance and requests that a Notice of Allowance be issued. If issues may be resolved through Examiner's Amendment, or clarified in any manner, a call to the undersigned at (404) 879-2437 is courteously solicited.

Respectfully submitted,



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